

ORDINANCE NO. 07-104

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AMENDING THE FUTURE LAND USE MAP FROM MAJOR INSTITUTIONS TO MEDIUM DENSITY RESIDENTIAL; **PROPERTY LOCATED AT 1234 WEST 31 STREET, HIALEAH, FLORIDA**, ZONED A (AGRICULTURAL DISTRICT); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board on April 4, 2007 recommended the proposed amendment to the Future Land Use Map of the Hialeah, Fla., Comprehensive Plan to the Hialeah City Council, subject to final approval by the Florida Department of Community Affairs ("Department"); and

WHEREAS, the City Council established its intent to amend the Future Land Use Map, adopting the recommendation of the Planning and Zoning Board, through Hialeah, Fla., Resolution 07-48 (May 2, 2007) that was submitted to the Department for approval; and

WHEREAS, the South Florida Regional Planning Council reviewed the proposed amendment to the Future Land Use Map and made a determination of consistency with the Regional Plan of South Florida on June 6, 2007, a copy of the amendment review is on file in the office of the City Clerk; and

WHEREAS, the Department reviewed the proposed amendment for consistency with the Hialeah, Fla., Comprehensive Plan, Chapter 163, Part II, Florida Statutes, and Rule 9J-5, Florida Administrative Code, did not find any objections, and accordingly, approved the comprehensive plan amendment by letter dated July 20, 2007 without the necessity of filing an Objections, Recommendations and Comments (ORC).

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The Future Land Use Map is hereby amended from Major Institutions to Medium Density Residential. Property located at 1231 West 31 Street,

Hialeah, Miami-Dade, Florida, zoned A (Agricultural District), and legally described as follows:

THE EAST 100.00 FEET OF THE WEST 1,024.00 FEET, LESS THE NORTH 30.00 FEET AND THE SOUTH 30.00 FEET FOR RIGHT-OF-WAY; AND THE SOUTH 85.00 FEET OF THE NORTH 115.00 FEET LESS THE WEST 1,024 FEET AND LESS THE EAST 200 FEET, TRACT 7, IN SECTION 11, TOWNSHIP 53 SOUTH, RANGE 40 EAST, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Any person, business, association, corporation, partnership or other legal entity who violates any of the provisions of this ordinance shall receive a civil penalty, up to a maximum of \$500.00, within the discretion of the court or administrative tribunal having jurisdiction. Each day that a violation continues shall constitute a separate violation.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the

amendment in compliance in accordance with section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits or land uses dependent on this amendment may be issued or commenced before it has become effective. If the Administration Commission issues an order of noncompliance, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.


PASSED and ADOPTED this 27th day of November, 2007.

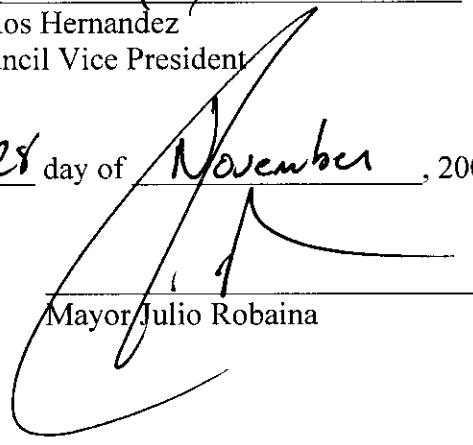
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Carlos Hernandez
Council Vice President

Attest:

Approved on this 28 day of November, 2007.


Rafael E. Granado, City Clerk


Mayor Julio Robaina

Approved as to legal sufficiency and form:


William M. Grodnick, City Attorney

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Ordinance was adopted by a 6-0-1 vote with Councilmembers Caragol, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes" and Councilmember Bovo absent.

Prepared by and return to:
City of Hialeah
Planning Division
501 Palm Avenue, Second Floor
Hialeah, FL 33010

**DECLARATION OF RESTRICTIVE COVENANTS
(Corporate)**

(I) (WE), J G & J Investments, LLC

Being the owner(s) of lands described herein:

The East 100 feet of the West 1024.00 feet, less the North 30.00 feet and South 30.00 feet for right-of-way, and the South 85.00 feet of the North 115.00 feet less the West 1024.00 feet and less the East 200 feet, Tract 7 in Section 11, Township 53 South, Range 40 East of Florida Fruit Lands Company's Subdivision No. 1, according to the plat thereof, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida,

The street property address is 1234 West 31 Street, Hialeah, FL 33012.

The folio number is 04-3011-002-0050.

make the following Declaration of Restrictive covenants covering and running with the above property, specifying that this restriction during its lifetime shall be for the benefit of and a limitation upon all present and future owners of the real property described above, in favor of and enforceable by the City of Hialeah, Florida.

In connection therewith, the undersigned covenants, represents and agrees as follows:

1. Garages shall be used only for the parking of vehicles and shall not be converted into any other use, access is limited to emergency vehicles on West 31 Street and the number of units will not exceed 19.
2. This covenant is intended and shall constitute a restrictive covenant concerning the use, enjoyment, and title to the above-described property and shall constitute a covenant running with the land and may be recorded in the Public Records of Miami-Dade County, Florida. This covenant shall remain in full force and effect and shall be binding upon the undersigned, its (their) heirs, successors and assigns until such time as the same is modified, amended or released and may only be modified, amended or released by a written instrument executed by the then owner having fee simple title to the property affected or to be affected by such modification, amendment, or release; provided, however, the same is also approved by the City Council and the Mayor of the City of Hialeah, or its successors, by resolution, upon advertised notice, or by ordinance if the covenant is adopted by ordinance or as otherwise provided in Hialeah Charter.
3. Where construction has occurred on said property described herein, pursuant to a permit issued by the City of Hialeah, and inspection made and approval of occupancy given by the City, the same shall create a conclusive presumption that the improvements thus constructed comply with the intent and spirit of the restrictions referenced herein and this Declaration of Restrictive Covenants shall not be construed as clouding title of any of said property on which such development has occurred.

DECLARATION OF RESTRICTIVE COVENANTS
(Corporate)

IN WITNESS WHEREOF, We have hereunto set out hands and seals at
Miami Lakes, FL this 3rd day of May, 2007.
(location)

Attest:

Secretary:

Typed/Printed Name

Signed, sealed and delivered in the
presence of:Clara Martinez

Witness

Typed/Printed Name

CLARA MARTINEZWitness Bonnie HeffernanTyped/Printed Name Bonnie Heffernan

Name of Corporation:

JG&J Investments

By:

George De La Fe
President: managing partner

Typed/Printed Name

Corporate Seal

STATE

OF

COUNTY

OF

FloridaMiami-Dade

The foregoing instrument was acknowledged before me on this 3rd day of May 2007
by George De La Fe as President, and _____ as Secretary, of
(Name of Officer or Agent) managing member (Name of Secretary)

JG&J Investment, LLC corporation, a FL corporation.
(Name of Corporation) (State or Place of Incorporation)

They are personally known to me or have produced the following FDL
as identification and did (did not) take an oath and who attest to the truth and accuracy of the
representations contained herein.

This document was prepared by:

Name

Street

City

State

Zip Code

Signature of Notary Public

Name of notary typed, printed, or stamped
Commission Number:

Notary Public State of Florida
Bonnie Heffernan
My Commission DD472543
Expires 09/15/2009

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